

## transportation | **RIGHTS-OF-WAY**

# 3.7

This section specifies the requirements for securing an encroachment permit for encroaching in the City of Scottsdale's public rights-of-way (ROW) and public utility easements. It is the responsibility of the permit applicant to obtain and fulfill any and all other requirements found in the City of Scottsdale ordinances and City Code whether or not they are referenced or stated in this manual.

### **Transportation**

7447 E Indian School Road  
Suite 205  
480-312-7696

### **One Stop Shop**

7447 E Indian School Road  
Suite 100  
480-312-2500

### **Current Planning**

7447 E Indian School Road  
Suite 105  
480-312-7000

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**transportation | RIGHTS-OF-WAY****GENERAL COMMENTS****3-7.000****PERMIT REQUIREMENTS****3-7.001**

The City of Scottsdale requires an encroachment permit (Figure 3.7-1B or 3.7-1C Right of Way Encroachment Permit) within the City of Scottsdale according to Chapter 47 of the Scottsdale City Code, on-line at: <http://www.scottsdaleaz.gov/codes/>.

The City of Scottsdale administers all planning, permitting, and construction processes in accordance with the following documents:

- **Maricopa Association of Governments (MAG) Uniform Standard Specifications**  
<http://www.mag.maricopa.gov/>
- **City of Scottsdale Supplement to the MAG Uniform Standard Specifications**  
<http://www.scottsdaleaz.gov/design/COSMAGSupp/>
- **City of Scottsdale Design Standards and Policies Manual**  
(<http://www.ci.scottsdale.az.us/dspm/>)
- **Arizona Utility Coordinating Committee (AUCC) Public Improvement Project Guide**, including the Joint Trench Use Model and Western Underground Trench Formula  
<http://www.ci.phoenix.az.us/AGENCY/PHXEASD/cpage.html>
- **City of Phoenix Barricade Manual** and the **Manual on Uniform Traffic Control Devices**  
<http://mutcd.fhwa.dot.gov/>.

**PURPOSE OF A PERMIT****3-7.002**

Permits are necessary to assure that all work done in the (ROW) is:

1. Completed in the proper location with adequate spacing;
2. Built with acceptable materials and in accordance with current specifications;
3. Installed in a safe and expeditious manner; and that
4. Final completion is assured and acceptable;
5. All infrastructure is protected;
6. Unnecessary traffic delays or congestion to the traveling public is limited;
7. All landscaping is restored; and
8. Liability issues are properly addressed.

Engineered construction drawings (plans) must be submitted for review. The objective is to make optimal utilization of the space available in the public ROW and public utility easements; to assure compliance with all City ordinances policies and standards; to assure coordination with other ROW users, agencies, and City project activities; and to reduce risk and/or inconvenience to the traveling public.

Permits are reviewed in scope by the City and these permits do not relieve a permittee from any of the stated standards in the Permit Requirement section above, and/or any federal, state, city or industry accepted practice. It is the permittee's responsibility to insure compliance with all of the above stated requirements. Permittee plans that have been reviewed by the City do not relieve a permittee of this requirement unless the deviation from these standards is clearly specified on the plans and the permit, and the permittee has received an additional approval in writing by the City, in addition to the standard City permit approval. This additional approval does not waive any other stated requirements on the plans or stipulations to the plans.

**3-7.003****LICENSE AND OTHER REQUIREMENTS****A. Telecommunications Facilities (Pending Telecom Ordinance)**

All telecommunications providers who desire to construct, install, operate, or maintain telecommunications facilities in the public highways must first obtain a Telecommunications License from the City of Scottsdale as stated in Chapter 47, Article VI of the Scottsdale City Code except in cases where state law forbids establishment of a license requirement. Licensing information is available by calling the Telecommunications Policy Coordinator at (480) 312-4138.

**B. Cable TV**

All cable television and telecommunications providers who provide cable television services, programs, or signals must obtain a Cable TV License from the City of Scottsdale as stated in Chapter 7 of the Scottsdale City Code. Licensing information is available by calling the Telecommunications Policy Coordinator at (480) 312-4138.

**C. Wireless Communications**

All providers who provide wireless communications infrastructure must file a pre-application with the City's Planning & Development Services Department to determine the approval process prior to obtaining a ROW encroachment permit. Pre-application information can be obtained by calling (480) 312-7000 or visiting <http://www.scottsdaleaz.gov/onestopshop/>.

**D. All Other Aboveground Improvements**

Installation of any aboveground improvements requires a pre-application, filed with the City's Planning & Development Services Department, to determine the approval process prior to obtaining a ROW encroachment permit. Pre-application information can be obtained by calling (480) 312-7000 or visiting <http://www.scottsdaleaz.gov/onestopshop/>.

**3-7.100****PERMITS**

The appropriate ROW encroachment permit application is submitted to the City of Scottsdale, One Stop Shop (One Civic Center, 7447 East Indian School Road) together with a minimum of three (3) sets of construction drawings, details, notes; a traffic control plan; a project schedule, insurance certificates; plating plan; a communication plan, and any other necessary information. In reference to projects proposed on Primary Roads, it is strongly encouraged that a provider submit project plans and the Traffic Control Plan as far in advance of the project as is reasonably possible, prior to application for an encroachment permit. However, the plans, Traffic Control Plan and a permit application may be submitted simultaneously to the One Stop Shop.

Upon receiving the application and appropriate drawings, details, notes, etc., City staff will log the request into the City's automated permit system and route the documents for technical review. This review includes, but is not limited to, checking for compliance with construction standards, approving alignments, verifying that the work is in the public right-of-way or public

utility easement, determining if other work is occurring at the same time or at the same site, verifying that all joint trench opportunities have been incorporated into the design, checking for conflicts, reviewing traffic impacts, and verifying that all City requirements have been met and incorporated into the plans.

Upon completion of the review, the permit application will be either issued to the applicant or returned for further modifications. Permits are issued a specified timeframe based on the estimated length of the project construction. Special conditions or stipulations may be added to the permit application by the City after submission by the applicant. It is important that these conditions be carefully reviewed by the applicant for compliance. If additions or corrections are required to the plans or permit application, the applicant will be notified and asked to make corrections and resubmit to the City.

Fees for all permits will be charged per City policy. Permittees must demonstrate proof of insurance as required in Section 3-707 – Insurance Requirements are listed below.

## PERMIT TYPES

**3-7.101**

### A. General ROW Encroachment Permit

A permit is required for all encroachment in, on, above, over, under, or through the City's rights-of-way, including all public utility easements. The Right-of-Way Encroachment Permit application and the Utility Company Right-of-Way Permit Application (Figure 3.7-1A) forms are available at the City of Scottsdale's One Stop Shop (One Civic Center, 7447 East Indian School Road, in Scottsdale).

### B. Emergency Encroachment Permit

For emergency repairs involving loss of service call Inspection Services at (480) 312-5750 to state the type of emergency, the location, the number of lanes closed, a contact name, estimated time to complete the repairs, and a cell phone number. In addition, fax the barricade plan to Inspection Services at (480) 312-5704 within 24 hours. Note: The installation of new service is not an emergency. The appropriate construction project signage needs to be posted by the permittee as outlined in Section 3-710G – Construction Signs below.

### C. Annual Maintenance Encroachment Permit

A permittee who owns an improvement in the City's ROW may apply for an annual maintenance encroachment permit. The annual maintenance encroachment permit must be renewed every year. Permitted activities include entering manholes, cabinets, or other above/below ground improvements but do not include any pavement or concrete cutting. A subcontractor may apply for a maintenance encroachment permit. The maintenance encroachment permit number must be shown on the insurance certificate.

## PERMIT FEES

**3-7.102**

Permit fees and other construction costs are collected in accordance with the fee schedule in Chapter 47 of the Scottsdale City Code (except as superceded by a franchise or license agreement) when each permit is issued. On joint trench projects, the surcharge fee will be apportioned to the participating utilities.

## PERMIT DURATION

**3-7.103**

The permit application needs to identify the anticipated length of construction (start and stop dates) in calendar days. The City may require additional construction scheduling information on a case-by-case basis. The actual construction start date is subject to City approval. The

permit is activated by calling Inspection Services at (480) 312-5750 a minimum of 72 hours prior to start of construction and obtaining City approval of a barricade plan (if needed) prior to commencing work. In the event a permittee has not begun construction within the approved timeframe, then the permittee's project may be subject to additional planning and coordination efforts. If the permittee does not expeditiously complete construction in the approved timeframe, then the permittee may be subject to enforcement action. Failure to expeditiously complete the current project within the permitted timeframe may result in denial of future permits until the currently permitted project(s) is completed to the City's satisfaction.

**3-7.104****INSURANCE REQUIREMENTS**

The permittee is required to provide insurance certificates with the permit application as indicated below. (See Figure 3.7-2 Construction Certificate of Insurance) with agreed to limits of liability and naming the City as additionally insured before issuance of any permits by the City.

**A. Permittee Liability**

The permittee is responsible for all liability imposed by law for damages arising out of or related to work performed, or failed to be performed, by the permittee, permittee's agents, contractors and all tiers of subcontractors under the permit. If any liability claim is made against the City, its officers or employees, permittee shall defend, indemnify and hold the City harmless from any such claim.

**B. Insurance Limits**

1. No applicant is entitled to an encroachment permit unless they have filed and maintain on file with the City a current Certificate of Insurance certifying that the permittee carries public liability and property damage insurance issued by an insurance carrier authorized to do business in the state, insuring the applicant and the City and its agents against loss by reason of injuries to, or death of persons, or damages to property arising out of or related to work performed by the applicant, its agents or employees while performing any work under the permit. Such insurance is primary and provides coverage for liability assumed by the applicant under subsection (a) of this section, and needs to be provided by the permittee in the following minimum amounts:
2. General Liability Insurance -- \$1,000,000 each occurrence, \$2,000,000 Products and Completed Operations Aggregate and \$2,000,000 General Aggregate.
3. Vehicle Liability Insurance -- \$1,000,000 Combined Single Limit
4. Worker's Compensation Insurance -- As required by Arizona law
5. The City Risk Management Director may set higher or lower limits of liability insurance depending on risk exposures.

**C. Effective Timeframe of Insurance**

Failure by the applicant to provide the City with the required insurance certificate, and failure by the City to demand the filing by permittee of such a certificate before such a permit is issued, does not waive the permittee's obligation to provide the insurance. The required insurance certificate must remain in effect and be kept on file with the City until all work to be performed by the permittee (under the permit) has been completed. Where an encroachment involves a permanent obstruction, the required insurance certificate requirements remain in effect until the construction is removed. The insurance certificate provides that coverage cannot be canceled or expire without providing ten (10) days' written notice of such action to the City.

## TRAFFIC CONTROL PLAN

The purpose of a Traffic Control Plan is to proactively plan for, coordinate, and minimize the impacts of encroachment and construction in the ROW. The Traffic Control Plan is designed to help the City of Scottsdale understand what traffic impacts will occur during a construction project. The Traffic Control Plan is intended to identify the phasing of large projects, including lane restrictions, closures, plating, or any restriction that could delay the traveling public.

1. A Traffic Control Plan needs to be submitted prior to (with plans) or submitted with the permit application for all proposed work in or on Primary Roads (See Figure 3.7-3A and 3.7-3B – Primary and Secondary Roads Map). The Traffic Control Plan is subject to all City review processes and will be reviewed and approved by the City prior to permit issuance. Additional information and stipulations may be required on a case-by-case basis. The required Traffic Control Plan is in addition to the submission of a Barricade Plan prior to the start of construction (see Section 3-710G – Barricade Plan).
2. The plan shall:
  - Provide the estimated start date, preferably within 15 days of actual construction.
  - Provide the duration of construction.
  - Provide hours that traffic restrictions will be in place (24 hr., off-peak mid-day, off-peak night, etc.)
  - Identify the length of the project and location details, including lane closures and type of work.
  - Describe any construction phasing that will occur during the project. Specifically, how the barricading configuration will change during the duration of the project and how it will be accomplished in the project schedule.
  - Provide a map of the affected area of construction, showing existing lane striping, proposed work zone, existing speed limit, and detail all driveway, alleys, transit facilities, median breaks or other locations where traffic may enter/exit or be in conflict with the project work zone.
  - Provide all above information on no less than 11-iby 17-inch paper.

## UTILITY CONSTRUCTION PLAN

All Utility and Telecommunications Construction Plans must comply with the Scottsdale Design Standards and Policies Manual requirements, located on-line at: (<http://www.scottsdaleaz.gov/design/dspm/>). Additional plan details may be required on a case-by-case basis.

## CONSTRUCTION REQUIREMENTS

### WORK HOURS IN THE RIGHTS OF WAY

Generally, no interference with traffic flow on Primary Roads (See Figure 3.7-3A and 3B City of Scottsdale Primary and Secondary Roads Map) is permitted during the hours of 7 to 9 a.m. or from 4: 6 p.m. unless prior authorization is obtained in writing by the Traffic Engineering Director or designee. Specific work hours may be stipulated by the City on the project's Barricade Plan. Night work must have prior authorization from the City and may be required by the Traffic Engineering Director or designee. In addition, certain areas of the City may have seasonal or special event restrictions for construction work as designated by the City on a case-by-case basis.

**3-7.105****3-7.200****3-7.300****3-7.301**



**3-7.302****JOINT TRENCHING POLICY**

Because work in the right-of-way has significantly increased over the past several years, which causes disruption to the traveling public, continual pavement cuts often in the same location, and conflict with other facilities within the right-of-way, the City has increased its management of work in the right-of-way by enacting a joint trench process for projects being done on Primary Roads. This policy is designed to:

- Minimize the public's inconvenience with minimal lane closures
- Decrease multiple pavement cuts which detract from the life of the street
- Allow for proper space allocation within a limited right-of-way area
- Aesthetically address multiple users needs with properly placed facilities/manholes/cabinets/etc.

**A. Criteria**

The City of Scottsdale requires a permittee to joint trench a project if the project is located on a Primary Road and the trench is 1,000 feet or longer. Joint trenching may also be required by the City on a case-by-case basis when a permittee's trench is 1,000 feet or less or on a Secondary road. The requirement for joint trenching on a Primary or Secondary Road is defined to include the entire ROW, not just curb to curb.

All requests for an exception to the joint trench requirement for any project must be submitted in writing to the City and will be reviewed and approved by City staff on a case by case basis.

**B. Procedure**

- Preliminary planning and design should be done by the permittee in accordance with the Arizona Utility Coordinating Committee's Joint Trench Use Model, (<http://www.ci.phoenix.az.us/AGENCY/PHXEASD/cpage.html>). (See Figure 3.7-4A and 4B AUCC Project Models and Figure 3.7-5 AUCC Joint Trench Use Notification Form).
- The permittee (the one proposing the original work) must contact and obtain from the City of Scottsdale a list of potential joint trench participants.
- The permittee, as the lead provider, must send a notice to each potential participant (either by fax, email, or U.S. mail), of the joint trench opportunity and provide proof of notice to the City.
- The permittee must also post a joint trench opportunity notice on the City's web site.
- If participation is requested by another provider, then the permittee must give a minimum two weeks timeframe for interested companies to supply the permittee with their needs so they can be included in the permittee's working drawing.
- As part of the project plan set, the permittee must provide a trench cross-section and a plan that depicts the details of the proposed work, including the trench, manholes, driveways, utility cabinets/facilities locations and other appurtenances. The plan must show that all location conflicts have been resolved.
- The permittee then submits three copies of the plan set, along with a permit application and a Traffic Control Plan to the City's One Stop Shop (located at 7474 E. Indian School Rd.) for staff review and approval.
- Upon City approval of the plan, the permittee obtains the permits and schedules an on-site pre-meeting with the City's utility inspector to review the proposed work, timing of work, and any approved barricade plans prior to commencing any work. This is critical to insure the positive progress of work being done in ROW.

**C. Participants**

Public utility providers and telecommunication providers (both current and future licensees).



**D. Failure to Participate**

Permits involving asphalt cuts and joint trench locations will only be issued once during a 2 – 4 year timeframe in any given location. Providers need to plan accordingly. Under extreme circumstances, the City may, at its sole discretion, waive the stated timeframe requirements. A franchise agreement or license is required to use the right-of-way. Companies not possessing a license must do so by contacting the City's Telecommunications Policy Coordinator at (480) 312-4138.

**POTHOLING (VACUUM EXCAVATION)****3-7.302**

1. A permit is required for all utility location work.
2. All potholing shall be done in accordance with Scottsdale's Supplemental Standard Specifications and Supplemental Standard Details to the MAG Uniform Standard Specifications, Details 2200 and 2201, located on the City's web site at: (<http://www.scottsdaleaz.gov/design/COSMAGSupp/>).

**STREET BORING REQUIREMENTS****3-7.303**

All utilities or other facilities crossing existing City streets regardless of the age of the street must be bored or punched unless permission to open cut has been given in writing by the City Traffic Engineering Director or designee. The burden of proof will lie with the permittee to show that boring is not a feasible requirement. The permittee must specify the boring method on the construction plans, e.g. "directional boring." This requirement is used to assess appropriate boring methods. Certain types of boring, e.g. use of water jets are not allowed. The permittee must also indicate on the construction plans the anticipated impact on and restoration of existing facilities. The proposed method is approved by the City on a case by case basis during plan review. If field conditions are such that boring has been demonstrated to City Inspections to be infeasible, then the permittee may be permitted to open cut.

**UNDERGROUNDING REQUIREMENT****3-7.304**

All new public utility, cable TV, telecommunications fiber optic, cellular, dark fiber or similar facility must be installed underground. If new facilities are proposed in an area that has existing overhead lines, the new facilities will be required to go underground and any permittees with existing overhead facilities may participate in reinstalling these facilities underground when a joint trench opportunity is provided. When major upgrades are planned, utility and telecommunications providers may underground existing facilities currently on existing poles.

Installation of new facilities or major enhancements to existing facilities need to be installed underground unless it can be demonstrated that the public's general health, safety and welfare are affected by the underground installation or that the provider lacks the ability to install the facilities underground. The fact that an underground installation is more costly than an overhead installation is not, in and of itself, a health or safety issue.

All above ground appurtenances need to be designed and installed with attention to minimizing the number of appurtenances, maximizing joint locations, combining with existing boxes, and sharing facilities. All locations will meet industry standards for sight distance locations, all industry safety requirements and the aesthetic requirements of the City. The issuance of a permit in violation of any of the requirements will not void the permittee's responsibility unless the substandard installation is clearly noticed and approved separately from the normal permit requirement.

**3-7.305****BARRICADE PLAN**

1. A Barricade Plan needs to be submitted to City of Scottsdale Inspection Services a minimum of 72 hours (3 work days) prior to any proposed partial or complete street or alley closure. Fax barricade plans to (480) 312-5704. The Inspection Services and Traffic Engineering divisions will review all barricade plans prior to barricade plan approval and commencement of work by the permittee. Work cannot be initiated on the portion of the project requiring street barricading until approval has been obtained in writing from both Inspection Services and Traffic Engineering divisions.
2. Work in/on residential streets typically does not need a separate Barricade Plan but all signs, barricades and other necessary traffic control devices need to be located in accordance with the City of Phoenix Barricade Manual and the Manual on Uniform Traffic Control Devices (MUTCD) (<http://mutcd.fhwa.dot.gov/>).
3. Design and implementation of the Barricade Plan needs to be performed by a well trained and knowledgeable individual assigned the responsibility for traffic control devices at worksites. This individual must be ATSSA (American Traffic Safety Services Association) certified.
4. The Barricade Plan must include the identification and location of all barricades and signs, the hours of operation for the project, the construction duration and schedule, location of Variable Message Signs, bus stops, advisory signs for relocated bus stops, detour plans, relocated traffic control signs and the project identification signs. Construction project signage shall be posted by the permittee as outlined in Section G – Construction Signs below.
5. A copy of the approved Barricade Plan shall be available at the jobsite at all times for the duration of the project.

**3-7.306****CONSTRUCTION SIGNS**

The permittee is required to post information signs at the work site identifying the name of the utility authorizing the work. The purpose of the sign is to identify the permittee authorizing the work and the contractor performing the work. This signage is still required even when marked company vehicles are present at the work site. Required sign information also includes a phone number where a person can call and receive information about the job and leave a message. The permittee must respond to all phone messages within 24 hours. In addition, all permittees must return regular traffic control signs back to their original place and replace any signs damaged during construction. General signage requirements are listed below. Specific project signage may be required by the City on a case-by-case basis.

**A. Primary Roads**

Projects on Primary Roads, as identified on the Primary and Secondary Roads Map (See Figure 3.7-3A and 3B), that are either: a) greater than one (1) mile in length or b) have a construction timeframe of 30 calendar days or longer, must utilize the following signage (See Figure 3.7-6A and 6B for signage examples):

1. Variable Message Board (VMB) type sign at each end of the project that indicates the following:
  - a. Location of construction, including cross streets names. For example: Shea & Hayden
  - b. Direction of travel restricted. For example: NB or EB & WB
  - c. Dates and duration. For example: From 3/21 to 4/15
  - d. Alternate route suggested. For example: Use Hayden Rd. as Alt. Route
2. Stationary Signs at each end of the project that indicate the following:
  - a. Names of authorizing company and permittee

- b. Phone number for job information and as means to get a response to phone calls/message
- c. Estimated start and completion dates for project
- d. Project description
- e. Conform to the following format:
  - At least 4'x4' size sign, with a minimum of 4" to 6" letters (black legends/orange background) for roads posted up to 40 mph.
  - At least 6'x6' size sign, with minimum 6" to 8" letters (black legends/orange background) for roads posted over 40 mph.
  - Type style is to be Block, sans-serif, medium width stroke, no more than 50% condensed, and not extra bold, not italics letters for better readability. (For example: Helvetica medium)
  - Sign should have an inset border with rounded corners.

### **B. Other Primary and All Secondary Roads.**

All projects not meeting the criteria listed above in 3-710G.1.A. must post stationary signs at each end of the project that indicate the following:

1. Names of authorizing company and permittee
2. Phone number for job information and to leave a message
3. Estimated start and completion dates for project
4. Project description
5. Conform to the following format:
  - At least 4'x4' size sign, with a minimum of 4" to 6" letters (black legends/orange background) for roads posted up to 40 mph.
  - At least 6'x6' size sign, with minimum 6" to 8" letters (black legends/orange background) for roads posted over 40 mph.
  - Typestyle is to be Block style, sans-serif, medium width stroke, no more than 50% condensed, and not extra bold, not italics letters for better readability. (For example: Helvetica medium typestyle)
  - Sign should have an inset border with rounded corners.

## **COMMUNITY NOTIFICATION**

In addition to the above signage requirements, community notification will be required where there will be significant traffic, ingress/egress, construction, or noise impacts on a particular area. Community notification may take different forms depending upon the particular permitted project or work. Some possible methods of notification could include: additional signage, door hangers, community newsletters, press releases, community meetings, web site information, etc. The City reserves the sole right to determine the appropriate community notification requirements for all permitted projects on a case by case basis.

## **INSPECTIONS**

All above ground and underground facilities and equipment placed in the ROW and all construction work done in the ROW is subject to periodic and final inspection for compliance with all permit requirements, as well as all applicable City, state, and federal laws. Permittee must notify Inspection Services at (480) 391-5750 at least 72 hours prior to beginning permitted construction work in the ROW. Requests for City inspections must be made 24 hours in advance of required inspections.

3-7.307

3-7.308

**3-7.309****PAVEMENT CUTS**

As outlined in Chapter 47 of the Scottsdale City Code, no excavation is permitted in newly paved, resurfaced or sealed public streets for the following time frames: (in the event of emergency, these periods may be waived by the City. (<http://www.scottsdaleaz.gov/codes>))

- Construction or reconstruction of a structural section, four (4) years.
- Surfacing, resurfacing or sealing of an existing structural section, two (2) years.

**3-7.310****STRIPING/MARKINGS REQUIREMENTS**

All striping and markings requirements, placement and removal must meet the requirements of:

- **The Maricopa Association of Governments (MAG) Uniform Standard Specifications** (<http://www.mag.maricopa.gov/>) and
- **The Manual on Uniform Traffic Control Devices (MUTCD)** (<http://mutcd.fhwa.dot.gov/>).

**3-7.311****TRANSIT FACILITIES/AMENITIES**

If the project affects a bus stop, the permittee must create a temporary bus stop as close to the affected stop as possible and in a safe location. Permittee must also return all transit facilities and amenities to their original location and condition or replace them if damaged during construction. If construction is going to be more than two weeks, a temporary bench is also needed at the temporary stop. Permittees must, as part of their traffic control plan, address how buses (which are generally 108" wide, plus mirrors) will maneuver through the site and whether a detour is necessary. In addition, the permittee needs to provide a minimum two- week notice to the City's transit office so that the City can provide information about detours, access and projected construction timeframe.. If the construction is an emergency, the City's transit office needs to be notified immediately (480) 312-7696.

**3-7.312****ABANDONED FACILITIES OR FACILITIES REMAINING AFTER EXPIRATION OF ENCROACHMENT PERMIT**

If, at any time after January 1, 2002, a permittee wishes to cease using and abandon facilities within the ROW or upon the expiration of any encroachment permit, if the permittee has not applied for and received an extension or renewal of the original permit from the City, the permittee must provide for the disposition of its facilities within the ROW as outlined below:

If a permittee desires to abandon its facilities within the ROW, they must submit an abandonment request (to whom, via what paperwork, where access) The abandonment request may designate one of three alternatives (as defined below). The City then approves the request by issuing an abandonment plan. In issuing an abandonment plan, the City considers and attempt to accommodate the permittee's preference; however, the City retains the sole option to designate one of the three options:

1. Require the permittee to remove all such structures, cable, equipment or facilities; or
2. Permit the City to elect to accept ownership, in which case, the title to such structures, cable, equipment, or other facilities vests in the City; or
3. Require the permittee to leave the facilities in place. If the facilities are abandoned in place, the permittee must record the facilities as "Abandoned in Place" and permanently maintain such records. Facilities that are Abandoned in Place will not need to be removed by the permittee. However, permittee, by abandoning facilities in place, expressly permits the removal of such facilities by any future party at the sole discretion of the City.

If the abandonment plan requires the removal of facilities from the ROW and the permittee fails to remove its structures, cable, equipment or other facilities within 180 days of notification by the City, then the City will serve written notice of failure to comply, and if the permittee fails to rectify the removal within ten (10) days from the date the notice was received, the City may rectify the default as outlined below:

Upon completion of the removal of the structures, cable, or other facilities, the City may submit in writing the cost incurred. Upon the permittee's receipt of notice of such amount, it shall immediately become a lien against the permittee's company, and it shall remain a lien in favor of the City until the amount is paid in full, together with interest at the annual rate of ten percent (10%).

In the event no abandonment request is submitted to the City, the City has complete discretion to determine the disposition of all structures, cable, equipment or other facilities left within the ROW, and any costs and expenses incurred thereby immediately become a lien against the permittee's company, and it will remain a lien in favor of the City until the amount is paid in full by the permittee, together with interest at the annual rate of ten percent (10%).

The right and remedy will not be exclusive, and the City has all the rights and remedies available to it in accordance with the laws of the State of Arizona and the City of Scottsdale. The establishment of a lien does, not preclude the City from establishing additional liens upon subsequent failure or failures to remove any improvement.

Abandonment of any and all above ground facilities and appurtenances are also subject to all of the requirements stated in paragraphs 1 – 5 above.

## **ALLEYS**

If construction or work is planned in an alley, prior to commencing work, the permittee needs to contact Sanitation at (480) 312- 5600 to obtain the days of sanitation pickup for that alley. Those days are to be listed on the plan along with a plan note that construction is prohibited on those days. Exceptions may be made by the Sanitation Director or designee on a case-by-case basis. A Barricade Plan must be submitted to Inspection Services (where submitted, to whom/what location) at least 72 hours prior to commencing work for any work to be done in an alley.

## **AS-BUILTS**

The city requires submittal of as-built plans for all facilities constructed or installed within public ROW or within easements that are owned by the City. The permittee who constructs facilities (not owned by the city) in the public ROW or within easement is required to maintain the facility as-builts and provide to the city as requested. The preferred as-built format is digital in either Microstation or ArcView SHP format. The digital as-builts must conform to the Maricopa Association of Governments Computer Aided Drafting (CAD) standards and must reference the City of Scottsdale encroachment permit number. It is preferred that digital as-builts utilize the City of Scottsdale's base maps (streets, right of way, parcels) as the foundation for the drawings.

**3-7.313****3-7.400**